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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 03/24/2008		<div>EXAMINER</div> <div>CHO, UN C</div>	
			<div>ART UNIT</div> <div>2617</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,538

Applicant(s)

JAUKE ET AL.

Examiner

UN CHO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 9-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 9 – 13, 16 – 18, 20 and 22 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama (US 6,690,955 B1) in view of Tsukamoto (US 6,785,563 B2) and further in view of Yamashita (US 6,070,053).

Regarding claim 1, Komiyama discloses a method for displaying to the user of a mobile station an effect stimulating visual, auditory or tactile sense, the method comprising (see Abstract): a) establishing a connection between a first mobile station and a second mobile station, d) producing the first effect for stimulating an auditory or visual sense in the second mobile station, while maintaining said connection, using a first means of expression comprising at least one element selected from the group of a loudspeaker and a display (caller's name or phone number is displayed on the LCD panel), and e) producing the second effect stimulating a visual, auditory or tactile sense in the second mobile station while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit, at least one light unit and the display, which is selected differently from the elements of the first means of expression, and wherein said second

effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect (while the caller's name or phone number is displayed on the LCD panel it also reads background lighting data from the caller's memory and illuminates the LCD panel accordingly; Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

However, Komiyama as applied above does not specifically disclose b) transferring speech data or message data representing a first effect for stimulating an auditory or visual sense via the established connection as a ringing command and c) transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a second effect for stimulating a visual or tactile sense by the same established connection using a signaling message associated therewith. In an analogous art, Tsukamoto remedies the deficiencies of Komiyama by disclosing such limitation in Col. 1, lines 46 – 59 and Col. 2, lines 15 – 22; lines 33 – 61 whereas vibrator-on/off signaling code is transferred during speech mode from the mobile unit to the distant party. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Tsukamoto to the system of Komiyama in order to provide mobile communication operating in a speech mode and a tactile mode to better enhance human perception.

However, Komiyama in view of Tsukamoto as applied above does not specifically disclose b) transferring speech data or message data representing a first effect for stimulating an auditory or visual sense via the established

connection as a ringing command. In an analogous art, Yamashita remedies the deficiencies of Komiyama in view of Tsukamoto by disclosing such limitation in Col. 4, lines 29 – 57 and Col. 5, lines 1 – 15 wherein the caller can determine the ringing sound represented by the receiver's mobile station when establishing the connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Yamashita to the modified system of Komiyama in view of Tsukamoto in order to provide a user-friendly system to alter ringing sound or melody of calling notification wherein a calling party transmits a calling signal in which music data is appended to the message.

Regarding claim 2, Komiyama in view of Tsukamoto and further in view of Yamashita as applied above discloses the limitation of the steps a) and b) in Komiyama: Col. 4, lines 1 – 8; Yamashita: Col. 4, lines 29 – 57 and Col. 5, lines 1 – 15 and also discloses the step c) (whereas the flash patterns are triggered by the caller's identification; Komiyama: Col. 6, lines 37 – 50).

Regarding claim 6, Komiyama as applied above discloses a graphics effect presented on the display (display caller's name or number on the LCD panel; Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

Regarding claim 9, Komiyama as applied above discloses the limitation of the step e) in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 10, Komiyama as applied above discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 11, Komiyama as applied above discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 12, Komiyama as applied above discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 16, Komiyama as applied above discloses a lighting effect (Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

Regarding claim 17, Komiyama as applied above discloses a display (Fig. 2, 2), a display controller (Fig. 2, 8) and a graphic objects memory (Fig. 2, 12) for controlling visual effects (Komiyama: Col. 3, lines 50 – 67).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 20, Komiyama as applied above discloses transmitting effects to be presented on a second mobile station (caller's name or number triggers the effects; Komiyama: Col. 6, lines 37 – 50)

Regarding claims 22 and 27, the claims are interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Regarding claim 26, Komiyama as applied above discloses the step c) (whereas the flash patterns are triggered by the caller's identification; Komiyama: Col. 6, lines 37 – 50).

Regarding claim 28, Komiyama as applied above discloses wherein said established connection is a voice call (Komiyama: Col. 4, lines 1 – 8).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 28.

Regarding claim 30, Komiyama as applied above discloses an image (caller's identification displayed on the LCD is an image; Komiyama: Col. 4, lines 1 – 8)

3. Claims 3, 4, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama in view of Tsukamoto and in view of Yamashita as applied above in claim 1 and further in view of Terada (US 6,429,366 B1).

Regarding claim 3, Komiyama in view of Tsukamoto and in view of Yamashita as applied above does not specifically disclose a text message

connection is established between the first mobile station and the second mobile station, and in steps b) and c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory forming a first and a second effect stimulating visual auditory or tactile sense is transmitted in a text message. In an analogous art, Terada remedies the deficiencies of Komiyama by disclosing such limitation in Col. 1, lines 15 – 30; and Col. 1, line 55 through Col. 34 wherein a text message connection is established as well as forming a first and a second effect stimulating visual auditory or tactile sense and is transmitted in the text message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Terada to the modified system of Komiyama in view of Tsukamoto and in view of Yamashita in order to provide a novel musical composition information that permits simultaneous execution of the performance processing based on the MIDI file and the data processing for a message display or the like.

Regarding claim 4, Terada as applied above discloses that a first and a second effect are transmitted in a MIDI file (Terada: Col. 1, line 55 through Col. 2, line 34).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 3.

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4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiya in view of Tsukamoto and in view of Yamashita as applied above in claim 13 and further in view of Uriya (US 6,574,489 B1).

Regarding claim 14, Komiya in view of Tsukamoto and in view of Yamashita as applied above discloses a loudspeaker (Komiya: Fig. 2, element 5) and a control unit (Komiya: Fig. 2, element 8). However, Komiya in view of Tsukamoto and in view of Yamashita as applied above does not specifically disclose a sounds controller and a sounds memory for controlling sound effects. In an analogous art, Uriya remedies the deficiencies by disclosing such limitation in Col. 4, line 46 through Col. 5, line 12 (a sounds unit (speaker; Fig. 2, 141), a sounds controller (Fig. 2, 151) and a sounds memory for controlling sound effects (control unit (Fig. 2, 160) inherently having a sounds memory for controlling sound effects)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Uriya to the modified system of Komiya in view of Tsukamoto and in view of Yamashita in order to provide an efficient way of inferring a caller's identity or for judging what action to take upon an incoming call.

Regarding claim 15, Uriya as applied above discloses a vibration unit (vibrator; Fig. 2, 143), a vibrator controller (Fig. 2, 153) and a vibration effects memory for controlling vibration effects (control unit (Fig. 2, 160) inherently having a vibration effects memory for controlling vibration effects; Uriya: Col. 4, line 46 through Col. 5, line 12).

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 4, 6 and 9 – 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UN CHO whose telephone number is (571)272-7919. The examiner can normally be reached on M ~ F 9:00AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617